

Message Text

PAGE 01 STATE 220667 TOSEC 260103

66

ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 DODE-00 INRE-00 (ISO) R

DRAFTED BY S/P:NVELIOTES:JRR

APPROVED BY S/P: NVELIOTES (PER SECTO26013)

D/LOS: BOXMAN

EB: JKATZ(SUBS)

D/LOS:OESKIN

D/LOS:RBREWSTER(SUBS)

DOD/ISA: SFRENCH(SUBS)

S/S-O: AOTTO

DESIRED DISTRIBUTION

S, S/S, S/P, D/LOS, L, OES, EB, INR, ARA, EA, EUR, AF, NEA

----- 126798

O 050014Z SEP 76 ZFF6

FM SECSTATE WASHDC

TO AMEMBASSY ABIDJAN NIACT IMMEDIATE

AMEMBASSY BOGOTA NIACT IMMEDIATE

AMEMBASSY BONN NIACT IMMEDIATE

AMEMBASSY BRASILIA NIACT IMMEDIATE

AMEMBASSY BUENOS AIRES NIACT IMMEDIATE

AMEMBASSY CAIRO NIACT IMMEDIATE

AMEMBASSY CANBERRA NIACT IMMEDIATE

AMEMBASSY CARACAS NIACT IMMEDIATE

AMEMBASSY DAKAR NIACT IMMEDIATE

AMEMBASSY JAKARTA NIACT IMMEDIATE

AMEMBASSY JIDDA NIACT IMMEDIATE

AMEMBASSY KATHMANDU NIACT IMMEDIATE

AMEMBASSY KINGSTON NIACT IMMEDIATE

AMEMBASSY KINSHASA NIACT IMMEDIATE

AMEMBASSY KUALA LUMPUR NIACT IMMEDIATE

AMEMBASSY LA PAZ NIACT IMMEDIATE

AMEMBASSY LIMA NIACT IMMEDIATE

AMEMBASSY LONDON NIACT IMMEDIATE

AMEMBASSY LUSAKA NIACT IMMEDIATE

AMEMBASSY MEXICO NIACT IMMEDIATE

AMEMBASSY MONROVIA NIACT IMMEDIATE

AMEMBASSY NAIROBI NIACT IMMEDIATE

AMEMBASSY NASSAU NIACT IMMEDIATE

CONFIDENTIAL

PAGE 02 STATE 220667 TOSEC 260103

AMEMBASSY OSLO NIACT IMMEDIATE

AMEMBASSY OTTAWA NIACT IMMEDIATE

AMEMBASSY PARIS NIACT IMMEDIATE

AMEMBASSY RABAT NIACT IMMEDIATE

AMEMBASSY SAN JOSE NIACT IMMEDIATE
AMEMBASSY SANTIAGO NIACT IMMEDIATE
AMEMBASSY SINGAPORE NIACT IMMEDIATE
AMEMBASSY TEHRAN NIACT IMMEDIATE
AMEMBASSY THE HAGUE NIACT IMMEDIATE
AMEMBASSY TOKYO NIACT IMMEDIATE
AMEMBASSY TUNIS NIACT IMMEDIATE
AMEMBASSY VIENNA NIACT IMMEDIATE
AMEMBASSY WELLINGTON NIACT IMMEDIATE
INFO USDEL SECRETARY IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L STATE 220667 TOSEC 260103

EXDIS, FOR THE AMBASSADOR OR CHARGE; FOR LORD WITH SECDEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS MESSAGE FROM THE SECRETARY TO FOREIGN MINISTERS
USUN FOR LOS

1. PLEASE DELIVER AT THE EARLIEST POSSIBLE MOMENT MESSAGE
BELOW FROM SECRETARY TO THE FOREIGN MINISTER. ADVISE WHEN
DELIVERED.

2. DEPARTMENT DOES NOT PLAN TO RELEASE TEXT AND WOULD
PREFER THAT IT NOT BE RELEASED BY THE RECIPIENT. IF
RELEASE BECOMES AN ISSUE PLEASE REPORT TO THE DEPARTMENT
BY IMMEDIATE CABLE.

3. BEGIN TEXT:

DEAR (INSERT APPROPRIATE TITLE/SALUTATION)

4. I HAVE JUST RETURNED FROM VISITING THE LAW OF THE SEA
CONFERENCE IN NEW YORK AND IN KEEPING WITH MY EARLIER MES-
CONFIDENTIAL

PAGE 03 STATE 220667 TOSEC 260103

SAGES TO YOU I WISH TO REPORT ON THE RESULTS OF MY DISCUS-
SIONS AND EFFORTS TO ENSURE PROGRESS DURING THIS SESSION.
DURING MY VISIT I HAD DISCUSSIONS WITH THE CONFERENCE
PRESIDENT AMBASSADOR SHIRLEY AMERASINGHE AND A REPRESEN-
TATIVE GROUP OF DELEGATIONS AS WELL AS INFORMAL CONTACT
WITH A LARGER NUMBER OF DELEGATES.

5. WITH THE NEGOTIATIONS SEEMINGLY AT AN IMPASSE OVER A
VARIETY OF ISSUES, THE MAIN PURPOSE OF MY EFFORTS WAS TO
START A PROCESS OF SERIOUS AND NON-IDEOLOGICAL NEGOTIATIONS
WHICH WOULD RESOLVE THESE ISSUES OR NARROW SOME OF THE KEY
OUTSTANDING DIFFERENCES. THERE IS A VERY GREAT DANGER THAT
UNLESS SOME SIGNIFICANT MOVEMENT IS SHOWN DURING THIS SES-

SION IN ITS REMAINING TWO WEEKS, A SENSE OF PESSIMISM AND HOPELESSNESS WILL LEAD TO A TOTAL BREAKDOWN AND INCREASING UNILATERAL ACTS.

6. TO AVOID THIS AND TO CONTRIBUTE TOWARDS THE NECESSARY MUTUAL BRIDGING OF POSITIONS, I SUGGEST A PACKAGE SOLUTION TO BREAK THE DEADLOCK IN THE NEGOTIATIONS REGARDING DEEP SEABED MINING FOR HARD MINERALS. THE ELEMENTS OF THIS PACKAGE TRY TO MEET THE LEGITIMATE CONCERNS OF ALL SIDES IN THE NEGOTIATIONS. WITHIN THE CONTEXT OF AN OVERALL SATISFACTORY SOLUTION TO THE PROBLEM OF THE DECISION-MAKING MECHANISM OF THE SEABED AUTHORITY, THE US IS WILLING TO AGREE TO GET THE PROPOSED ENTERPRISE INTO BUSINESS DURING THE SAME TIMEFRAME AS MINERS FROM INDIVIDUAL NATIONS UNDER AN ASSURED ACCESS SYSTEM. THE KEY TO ESTABLISHING THE ENTERPRISE EFFECTIVELY IS TO PROVIDE FOR ADEQUATE FUNDING. IN ADDITION, WE ARE PREPARED TO ACCEPT A REVIEW-MECHANISM, PERHAPS AFTER 25 YEARS, FOR THOSE PARTS OF THE COMMITTEE I TEXT APPLICABLE TO SEABED MINING. THE PURPOSE OF THESE TWO PROPOSALS IS FIRST, TO TAKE ACCOUNT OF THE CONCERN OF DEVELOPING COUNTRIES THAT THE FORMATION OF THE ENTERPRISE WILL BE AN EMPTY GESTURE IN THE ABSENCE OF ADEQUATE FINANCING; AND SECOND, TO MAKE IT CLEAR THAT WHAT IS AGREED UPON IN THE CURRENT NEGOTIATIONS WILL NOT BE FIXED IMMUTABLY FOREVER.

7. UNLESS THE RESPONSE FROM THE OTHER COUNTRIES IS IN KEEPING WITH THE SPIRIT OF THIS EFFORT, IT IS LIKELY THAT
CONFIDENTIAL

PAGE 04 STATE 220667 TOSEC 260103

IT WILL BE DIFFICULT FOR MY GOVERNMENT TO CONCLUDE THAT

THE LOS NEGOTIATIONS CAN SUCCEED AT ALL. I WOULD, THEREFORE, ASK THAT YOUR GOVERNMENT MAKE A SPECIAL EFFORT TO MOVE TOWARDS A MUTUAL ACCOMMODATION OF INTERESTS. WITH THE EYES OF THE WORLD ON THIS CONFERENCE, IT IS CRUCIAL THAT WE END THIS SESSION ON A POSITIVE NOTE AND A SENSE THAT A FINAL TREATY ACCEPTABLE TO ALL MAJOR GROUPS CAN BE DRAWN UP AT THE NEXT SESSION NEXT YEAR.

8. WITH RESPECT TO THE DIFFICULT PROBLEMS IN COMMITTEE II (ECONOMIC ZONE) AND COMMITTEE III (SCIENTIFIC RESEARCH) I BELIEVE THAT WITH GOODWILL ON BOTH SIDES THE OUTSTANDING DIFFERENCES CAN BE BRIDGED. IT SEEMS CLEAR THAT PART OF THE PROBLEM HAS BEEN THAT DISCUSSIONS ON THESE ISSUES HAVE BEEN REDUCED TO IDEOLOGICAL DEBATES; THERE HAVE NOT BEEN ENOUGH EFFORTS TO COME FORWARD WITH NEW OR IMAGINATIVE SOLUTIONS WHICH WILL PROVIDE THE RIGHT BALANCE BETWEEN THE RIGHTS OF THE COASTAL STATES IN THE ECONOMIC ZONE AND THE RIGHTS OF THE INTERNATIONAL COMMUNITY. THE BASIC ISSUE IS THAT SOME STATES BELIEVE THAT THE ECONOMIC ZONE SHOULD HAVE HIGH SEAS STATUS WHILE OTHERS WANT TO DEFINE THE ZONE IN

WAYS THAT COME CLOSE TO MAKING IT TERRITORIAL SEAS. THE UNITED STATES CANNOT ACCEPT THE LATTER. THEREFORE, WE ARE SUGGESTING A SOLUTION THAT WOULD MAINTAIN HIGH SEAS FREEDOMS WITHIN THE ECONOMIC ZONE, WHILE AT THE SAME TIME GUARANTEEING TO COASTAL STATES FULL CONTROL OF RESOURCES AND OTHER SPECIFIED RIGHTS WITHIN THE ZONE.

9. ON SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE, WE CONTINUE TO BELIEVE THAT SUCH RESEARCH MUST BE PROTECTED FOR THE LONG-TERM COMMON GOOD OF MANKIND. WE HAVE SET FORTH AS A REASONABLE COMPROMISE COASTAL STATE CONSENT WITH RESPECT TO SCIENTIFIC RESEARCH WHICH BEARS SUBSTANTIALLY UPON THE EXPLORATION AND EXPLOITATION OF RESOURCES. WE BELIEVE THAT THERE SHOULD BE AGREEMENT THAT OTHER SCIENTIFIC RESEARCH WOULD BE PERMITTED SUBJECT ONLY TO CERTAIN SPECIFIED AND LEGITIMATE OBLIGATIONS ON THE PART OF THE RESEARCHING STATE TOWARD THE COASTAL STATE, SUCH AS NOTIFICATION, OPPORTUNITY TO PARTICIPATE AND PROVIDING OF DATA. WITHIN THIS CONTEXT CERTAINLY A REASONABLE SOLUTION CAN BE FOUND TO CONFIDENTIAL

PAGE 05 STATE 220667 TOSEC 260103

BOTH PROBLEMS AT THIS SESSION.

10. THERE ARE OTHER IMPORTANT ITEMS ON THE CONFERENCE AGENDA SUCH AS DISPUTE SETTLEMENT, WHICH ARE CRITICAL TO PRESERVING THE UNDERLYING ACCOMMODATIONS REACHED. IN ADDITION, WE MUST ACCOMMODATE THE INTERESTS OF THE LANDLOCKED AND OTHER DISADVANTAGED STATES AND SETTLE THE QUESTION OF JURISDICTION OVER THE RESOURCES OF THE CONTINENTAL MARGIN WHERE IT EXTENDS BEYOND 200 MILES.

11. RESOLUTION OF THESE ISSUES AT THIS SESSION WOULD BE TANTAMOUNT TO SUBSTANTIVE COMPLETION OF THE COMMITTEE II AND III TEXTS.

12. FINALLY, I SHOULD NOTE FRANKLY THAT IT HAS BEEN ONLY WITH GREAT DIFFICULTY THAT MY GOVERNMENT HAS COME FORWARD WITH THESE PROPOSALS, SINCE THERE IS A STRONG BELIEF THAT THE POSITION OF OTHERS IN THE NEGOTIATIONS DOES NOT LEND ITSELF TO MUTUAL ACCOMMODATION. I BELIEVE IT IS IN THE INTERESTS OF ALL COUNTRIES, INCLUDING MY OWN, TO SEEK THE OCEAN REGIME WHICH MEETS THE VITAL INTERESTS OF ALL. BUT WHETHER THIS VIEW WILL PREVAIL WILL DEPEND IMPORTANTLY ON THE RESPONSE OF OTHER COUNTRIES TO OUR EFFORTS. I WOULD HOPE THAT YOUR DELEGATION COULD BE IMMEDIATELY INSTRUCTED TO ACKNOWLEDGE THAT SIGNIFICANT PROPOSALS HAVE BEEN SET FORTH BY THE UNITED STATES AND THAT THEY COULD BE USED AS A BASIS FOR FURTHER NEGOTIATIONS. I NATURALLY WOULD NOT EXPECT ALL COUNTRIES TO AGREE TO THESE PROPOSALS UNTIL THEY HAVE BEEN DISCUSSED AND EXAMINED IN GREATER DETAIL, BUT IN ORDER TO GET THE PROCESS OF SERIOUS NEGOTIATIONS GOING, SOME CONTRIBUTION BY YOUR DELEGATION ALONG POSITIVE

LINES WOULD BE VERY HELPFUL.

13. I AM ASKING YOUR SUPPORT BECAUSE OF THE VITAL NEED
OF THE COMMUNITY OF NATIONS TO MAKE THE LAW OF THE SEA
CONFERENCE A SUCCESS AND THEREBY STRENGTHEN COOPERATION
IN ESTABLISHING A JUST AND PEACEFUL GLOBAL ORDER.

14. SINCERELY,

15. HENRY A. KISSINGER
CONFIDENTIAL

PAGE 06 STATE 220667 TOSEC 260103

16. FOR: BONN, BRASILIA, BUENOS AIRES, CANBERRA, CARACAS,
DAKAR, KINGSTON, LIMA, LONDON, MEXICO, NAIROBI, OSLO,
OTTAWA, PARIS, SANTIAGO, SINGAPORE, THE HAGUE, TOKYO, TUNIS
WELLINGTON. DURING HIS VISIT TO NEW YORK ON SEPTEMBER
1-2, THE SECRETARY MET WITH REPRESENTATIVES OF ABOVE LISTED
COUNTRIES AMONG OTHERS, BILATERALLY OR IN SMALL GROUP MEET-
INGS. THESE POSTS SHOULD ADD TO LETTER IN FIRST PARAGRAPH,
LINE 7 AFTER "GROUP OF DELEGATIONS", THE FOLLOWING
PHRASE, "INCLUDING THAT OF (INSERT COUNTRY NAME)".

17. FOR TUNIS: - IN PRESENTING LETTER, PLEASE MAKE POINT
ORALLY THAT TUNISIAN REPRESENTATIVE IN COMMITTEE I IS
PLAYING PARTICULARLY UNHELPFUL ROLE BY LEADING THE OPPO-
SITION TO THE CONCEPT OF ASSURED ACCESS BY STATES AND THEIR

NATIONALS. YOU SHOULD NOTE THAT SECRETARY EMPHASIZED
IN NEW YORK TO GROUP MEETING ATTENDED BY TUNISIA THAT
US MUST REMAIN FIRM ON ASSURED ACCESS.

18. FOR JAKARTA: USDEL NOT AWARE THAT JUSTICE MINISTER
MOCHTAR WOULD BE IN NEW YORK DURING SECRETARY'S VISIT.
HAD WE KNOWN, HE WOULD, OF COURSE, HAVE BEEN INVOLVED IN
A MEETING WITH SECRETARY. HE DID, HOWEVER, AT LEAST
HAVE OPPORTUNITY FOR BRIEF CHAT WITH SECRETARY AT RECEPTION
SEPTEMBER 1 BUT DID NOT RAISE ISSUES OF SUBSTANCE. ROBINSON

CONFIDENTIAL

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 16 SEP 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, SEABED, MINING, FUND ALLOTMENT, DIPLOMATIC COMMUNICATIONS, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 05 SEP 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE220667
Document Source: ADS
Document Unique ID: 00
Drafter: S/P:NVELIOTES:JRR
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Film Number: D760337-0018
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t197609108/baaaepza.tel
Line Count: 258
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a <MCM 20040602 CORRECTION>; EXDIS
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 13 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13 APR 2004 by greeneet>; APPROVED <14 APR 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CHANGED> MCM 20040602
Subject: LOS MESSAGE FROM THE SECRETARY TO FOREIGN MINISTERS
TAGS: PLOS, PSDC, US, XX, IV, UN, LOS, (KISSINGER, HENRY A)
To: ABIDJAN NIACT
BOGOTA NIACT
BONN NIACT
BRASILIA NIACT
BUENOS AIRES NIACT
CAIRO NIACT

CANBERRA NIACT
CARACAS NIACT
DAKAR NIACT
JAKARTA NIACT
JIDDA NIACT
KATHMANDU NIACT
KINGSTON NIACT
KINSHASA NIACT
KUALA LUMPUR NIACT
LA PAZ NIACT
LIMA NIACT
LONDON NIACT
LUSAKA NIACT
MEXICO NIACT
MONROVIA NIACT
NAIROBI NIACT
NASSAU NIACT
OSLO NIACT
OTTAWA NIACT
PARIS NIACT
RABAT NIACT
SAN JOSE NIACT
SANTIAGO NIACT
SINGAPORE NIACT
TEHRAN NIACT
THE HAGUE NIACT
TOKYO NIACT
TUNIS NIACT
VIENNA NIACT
WELLINGTON NIACT INFO SECRETARY
USUN N Y

Type: TE

Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006